

REMARKS

This amendment is submitted in response to the final Office Action mailed on November 15, 2005. Applicants, pursuant to the amendment, have amended Claim 30 to delete the word "internal." This amendment is in view of a new matter rejection posed by the Patent Office in the Office Action. Applicants do not believe the new matter rejection is proper. However, in order to reduce the issues that need to be decided on appeal, this amendment has been made. To this end, Applicants are submitting herewith a Notice of Appeal.

Applicants traverse the rejections that have been posed by the Examiner in the instant Office Action for the reasons that have been stated previously. Applicants do note for the record, with respect to the new matter rejection in view of the amendment "internally administering" that the distinction Applicants are pointing out is between topical application and compositions that are received by the patent internally. Applicants respectfully submit that this addition is clearly supported by the application. In this regard, it is not necessary for a term to be literally set forth in an application to be supported. Applicants have set forth how the composition can be administered enterally, through nasal gastric tubes, and by the course of eating a nutritional composition. Thus, internally administering is clearly contemplated by, disclosed in, and supported by the specification.

Indeed, Applicants respectfully submit that it is only through a tortured view of this addition that the Patent Office can even pose this rejection. For example, contrary to page 3 of the Office Action, Applicants never stated that they believe that "food which passes through the esophagus is somehow not present internally."

Also, Applicants note for the record that although not specifically addressed in this response, Applicants disagree with each and every rejection that has been posed by the Patent Office. Applicants have specifically detailed previously the reasons why these rejections are improper and those statements and reasons are incorporated herein by reference. Moreover, Applicants will set forth in detail in the Appeal Brief that will be submitted in support of the Notice of Appeal why these rejections should be reversed.

Respectfully submitted,

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